



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,210	02/06/2002	Oussama Zbib	010158	7042

38823 7590 12/06/2006

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/
BELLSOUTH I.P. CORP
100 GALLERIA PARKWAY
SUITE 1750
ATLANTA, GA 30339

EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,210	Applicant(s) ZBIB, OUSSAMA	
	Examiner Yogesh C. Garg	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

Response to Amendment

2. The applicant's amendment received on 10/11/2006 is acknowledged and entered. Claims 21, 28 and 35 are currently amended. Currently claims 21-40 are pending for examination.

Response to Arguments

3.1. Applicant's arguments (see Remarks, pages 8-13) filed on 10/11/2006 concerning rejection of claims 21-40 under 35 USC 102 and 103 (a) have been considered fully but are moot in view of the new grounds of rejection necessitated due to current amendments.

3.2. The applicant's arguments on pages 13-14 filed on 10/11/2006 that a computerized mall website would not require any logic/software program to receive and store information from advertisers are not persuasive as he has not provided a

reasoning as how else a computer without using some logic/program can receive and store any information.

3.3. The applicant's arguments on page 14 filed on 10/11/2006 that the elements of claims 26, 33 and 39, that is " the concept of charging a fee for providing a service to consumers" is old and well-known are not persuasive because the applicant has not provided any evidence or reasoning contrary to the examiner's reliance on the well-known practice of charging a fee for providing a service to consumers. Secondly, as required by the MPEP guidelines 2144.03 C the examiner has already provided necessary evidence in the previous office action mailed on 2/3/2006.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1. Claims 21-25, 27-32, 34-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minte and further in view of McCollom et al. (US Pub: 20020010623 A1), hereinafter McCollom.

Regarding claim 21, Minte combined with McCollom teaches a new system for communicating information about an advertisement, comprising:

logic in an advertisement content server configured to receive advertisement information associated with a plurality of advertisers (see McCollom, at least paragraph 0043, Fig.1, paragraph 0045, Fig.2 which disclose that the advertisement content server in the form of Mall site "40" receives advertisement information associated with a plurality of advertisers and the mall-site 40 would inherently require a logic/program to receive the information from advertiser (s), just as from 'Joe's" and store and display the same);

(Note: In order to receive and store the advertisements, a computer program will definitely include logic because in a computer program defining the logic of program is often a first step in developing the program's source code, see definition of "logic" in "Microsoft Computer Dictionary, Third edition, 1997. Note: The reference of Microsoft Computer Dictionary is cited as a mere evidence to show that a computer application program, that will be used in Minte to receive and store the advertisement information in digitized form will include a logic and defining a logic in developing a program is a first step. Minte further discloses using a computer program/logic in response to receiving a request for search of a advertisement either via "bug" or directly receiving a request for content and then searching for the same and presenting it to the user.)

logic in an advertisement content server configured to store the information as records within defined fields (see McCollom, at least paragraph 0044 and Figs.1-4, Reference # "40" and "60" which show the defined fields, such as "Broadcast call

letters", " Broadcast promotion" and " Menu of Advertisers", The Menu of Advertisers includes further defined fields/categories, such as "coupons", "specials", "Catering info");

logic in an advertisement content server configured to receive a search request from a user, (see McCollom, at least paragraphs 0032-0033, 0044-0045 which disclose that a user can go directly to the Mall site "40" that is the server and then research [search] the products of interest , see Figs.2-4, that is a user can send a search request for "coupons" and "specials" at "Eat at Joe's" eatery);

Minte does not explicitly teach that the advertisement server is configured to receive from a user at least one search term related to one of the defined fields and in response to perform a search function according to the at least one search term. However, in the same filed of endeavor, McCollom teaches that the advertisement server is configured to receive from a user at least one search term related to one of the defined fields and in response to perform a search function according to the at least one search term (see at least paragraphs 0015-0018 wherein the users can access the advertisement content, that is coupons, on an advertisement server [commerce server "25' in McCollom] by using search terms and keywords related to a particular merchant). In view of McCollom, it would be obvious to one of an ordinary skilled in the art, to incorporate and use this feature in Minte because it would enable the user to use keywords and search term related to a particular merchant, such as " Eat at Joe's" to access the eatery coupons from the advertisement server when the users want to go

Art Unit: 3625

directly to the Mall site to search products/advertisements/coupons (see McCollom, paragraph 0033)..

Minte teaches that a logic in an advertisement content server is configured to transmit at least a portion of the information to the user resulting from the search function (see at least paragraph 0046 & Fig.3 wherein the consumer is conveyed the information of the advertisement he is looking for, such as "Joe's" eatery).

Regarding claims 22 & 23, Minte discloses that the system of claim 21, wherein the system is configured to provide at least one advertiser access to the information via the Internet/ a remote database client (see at least paragraph 0029 which discloses that an advertiser's information can be accessed via web-link which corresponds to the use of Internet or remote database client).

Regarding claim 24, Minte discloses that in the system of claim 21, at least one field includes broadcaster identification information (see Fig.2, " WXYZ TV or WQRS Radio").

Regarding claim 25, Minte discloses that in the system of claim 21, wherein at least one field includes advertiser identification information (see at least Fig.2, " Eat at Joe's").

Regarding claim 27, Minte discloses all the limitations of claim 21, as analyzed above. Minte further discloses, that the advertisement information could include unpublished advertisements that are available through the advertisement content server (see at least Figs. 2 and 3 and paragraphs 0043 and 0046 which include information on coupons, specials, as part of the supplemental/extended information of an advertisement available only through the content server, that is Mall site "40") .

Regarding claims 28-32, 34, 35-38, and 40, their limitations are closely parallel to the limitations of claims 21-25 and 27 and are therefore analyzed and rejected on the same basis.

4.2. Claims 26, 33 and 39 are rejected under 35 U.S.C. 103(a) as being obvious over Minte in view of McCollom and further in view of Stein (US Patent 5,826, 241).

Regarding claim 26, Minte in view of McCollom discloses all the limitations of claim 21, as analyzed above, but does not disclose that the system is configured to charge a fee for accessing the information. However, Stein teaches this limitation (see at least Fig.1, 6J, col.3, lines 17-37, col.10, line 62-col.11, line 13 discloses that the payment system "10" charges a service fee "148" for providing services to the seller to sell information products in digitized form.). In view of Stein, it would have been obvious to one of an ordinary skilled in the art at the time of the invention to have modified Minte in view of McCollom as applied to claim 21 by incorporating the feature of charging a

fee for accessing the information because it will help to meet the expenses of establishing the Mall site 40 and also it would be a medium to earn income for the company which owns the Mall site "40".

Regarding claims 33 and 39, their limitations are closely parallel to the limitations of claim 26 and are therefore analyzed and rejected on the same basis.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

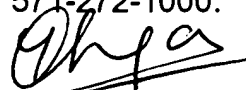
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/068,210

Page 9

Art Unit: 3625

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', with a horizontal line drawn through the middle of the signature.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG/12/3/2006